

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LORIE PRESCOTT

§

v.

§

CIVIL ACTION NO. 6:11cv376

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION

§

ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Commissioner's final decision be reversed and this matter remanded pursuant to sentence four of 42 U.S.C. § 405(g) for the purpose of reconsidering Dr. Hand's opinion in the framework of 20 C.F.R. § 416.927(c) and *Newton v. Apfel*, 209 F.3d 448 (5th Cir. 2000). It further recommends that if inadequate clinical records exist to reliably rule out a diagnosis of lupus, then the ALJ should order such additional testing as is necessary; additionally, that at least an initial determination of a possible mental impairment should be evaluated under the "special technique" of § 20 C.F.R. § 416.920a. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the Commissioner's final decision is hereby **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the findings above. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

It is SO ORDERED.

SIGNED this 22nd day of August, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE